

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18438.6. Solicitation, Direction, and Receipt of Contributions Under Government Code Section 84308.

For purposes of Government Code Section 84308,

(a) A person “accepts” or “receives” a contribution only if the contribution is for that person's own candidacy or own controlled committee.

(b) A person “makes a contribution” to an officer or candidate only if the contribution is made for that officer's or candidate's own candidacy or controlled committee.

(c) An officer “solicits” a contribution only if the officer knows or has reason to know that the person being solicited for a contribution is a party or agent of a party, or is a participant or agent of a participant and either:

(1) The officer or candidate personally requests a contribution for the officer's or candidate's own campaign or controlled committee, or for any other candidate, public official or committee, either orally or in writing; or

(2) The agent of the officer or candidate with the officer or candidate's knowledge, requests a contribution for the officer or candidate's own campaign or controlled committee.

(d) Notwithstanding subsection (c), a solicitation does not include a request made in a mass mailing sent to members of the public, to a public gathering, or published in a newspaper, on radio or TV, or in any other mass media.

A person does not “solicit” solely because the person's name is printed with other names on stationery or a letterhead used to request contributions.

(e) A person “directs” a contribution if the person acts as the agent of another person or of a committee other than the person's own controlled committee in accepting a contribution on behalf of, or transmitting a contribution to, such other person or committee.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84308, Government Code.

HISTORY

1. New section filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).

2. Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).

3. Amendment of subsections (b)-(c)(1) and (d)-(e) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992

(FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).